



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 13]

नई दिल्ली, शुक्रवार, जुलाई 17, 2009/आषाढ़ 25, 1931

No. 13]

NEW DELHI, FRIDAY, JULY 17, 2009/ASADHA 25, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 17th July, 2009:—

BILL NO. 22 OF 2009

A Bill to prohibit the slaughter of cow and its progeny.

WHEREAS article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny.

BE it enacted by Parliament in the Sixtieth year of the Republic of India as follows:—

1. (1) This Act may be called the Ban on Cow Slaughter Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, “cow” includes a bull, bullock, ox, heifer or calf.

Definition.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place.

Prohibition of slaughter of cow.

4. No person shall sell or offer for sale or cause to be sold beef or beef products in any form for any purpose.

Prohibition of sale of beef.

5. Any person who slaughters a cow or is caught selling beef or beef products shall be punished with imprisonment which may extend to ten years or with fine which may extend to rupees one lakh or with both.

Punishment.

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its entire progeny must be saved to provide milk, as well as manure, it becomes imperative to impose complete ban on the cow slaughter.

NEW DELHI;
June 10, 2009.

YOGI ADITYANATH

BILL No. 23 OF 2009*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2009. Short title.

2. Article 44 of the Constitution shall be omitted. Omission of article 44.

3. After Part IVA of the Constitution, the following Part and articles thereunder shall be inserted, namely:— Insertion of new Part IVB.

“PART IVB**UNIFORM CIVIL LAW**

51B. In this Part, unless the context otherwise requires, “the State” has the same meaning as in Part III. Definition.

51C. The State shall secure for the citizen a uniform civil code throughout the territory of India.”. Uniform civil code for the citizens.

STATEMENT OF OBJECTS AND REASONS

The Constitution-makers, while framing the Constitution of India, gave a direction to the Government that they should try to make uniform civil laws for all citizens throughout the country. The intention behind this was that when secularism was the avowed object of the Constitution, there should not be various civil laws based on different religions. Moreover, our country is not a theocratic State. It has no State religion. However, various civil laws in force at present are based on different religions.

As the direction to the Government to make uniform civil law is in the Directive Principles of State Policy, it is not enforceable in any court of law and as such no attempt has been made to bring uniform civil code. To ensure uniformity, equality and social justice, it is imperative that a uniform civil code should be brought at the earliest. This Bill accordingly, seeks to amend the Constitution.

NEW DELHI;
June 10, 2009.

YOGI ADITYANATH

BILL NO. 35 OF 2009

A Bill to provide for the welfare of freedom fighters and their families and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Freedom Fighters and their Families (Welfare) Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “authority” means the Freedom Fighters Welfare Authority established under section 3;

(b) “family” means spouse, parents, sons and daughters of the freedom fighters;

(c) “freedom fighter” means any person who has participated in the freedom movement or has undergone imprisonment in connection with the freedom movement; and

(d) “prescribed” means prescribed by rules made under this Act.

Short title,
extent and
commencement.

Definitions.

Establishment
of the
Freedom
Fighters
Welfare
Authority.

Functions of
the
Authority.

Facilities to be
provided to
freedom
fighters and
their families.

Power to make
rules.

3. (1) The Central Government shall establish an authority, to be known as the Freedom Fighters Welfare Authority in every district of the country.

(2) The composition of the Authority and conditions of service of the members of the Authority shall be such as may be prescribed.

4. The Authority shall perform the following functions:—

(i) maintaining a register of freedom fighters and the members of their families residing in that district;

(ii) formulating plans and schemes for the welfare of the freedom fighters and their families;

(iii) identifying the names illegally included in the list of names of freedom fighters and to remove such names from the list; and

(iv) recommending action against persons giving *mala fide* and incorrect statements or making disgraceful or insulting remarks or publishing distorted facts in books or newspapers or in any other media about freedom fighters.

5. The Central Government shall provide to every freedom fighter and his family, as the case may be, the following facilities, namely:—

(a) subsistence allowance of rupees fifteen thousand per month and such other financial assistance as may be prescribed;

(b) free health care facilities;

(c) free housing facility;

(d) free education including technical education to the dependant children of the freedom fighters;

(e) gainful employment;

(f) vocational training;

(g) free pass for travelling in AC first class in Railways and other public and private owned transport; and

(h) such other facilities as may be necessary for the all-round development and welfare of freedom fighters and their families.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Freedom fighters have played an important role in the liberation of our country. It is only because of the struggle of freedom fighters that we are the citizens of a free India today. Today freedom fighters, who made great sacrifices putting their lives at stake and inspired the country for freedom, are leading a very hard life in an independent India. The pension that they receive from the Government is meager. They are not able to sustain themselves properly with the amount of pension they are receiving. They have been facing financial hardship. They do not have any housing facility for themselves or their dependant children and they are unable to get any special financial help for the treatment of chronic diseases as a result of which they die for want of proper treatment.

Further writers are presenting distorted facts about freedom fighters in Government and private publications. There are many authors who do not have complete and correct information about freedom fighters, yet they write unrealistic articles about freedom fighters. They are presenting wrong facts about freedom fighters and making illusive statements, as a result of which the citizens of the country including the families of freedom fighters are suffering mental agony. This not only causes disrespect and insult to the freedom fighters, but also brings disgrace to the nation.

Even today, there are many names in the list of freedom fighters who had no connection with the freedom struggle, but still their names have been included in the list in an illegal manner.

It is, therefore, necessary to bring legislation for the welfare and safeguard of freedom fighters and their families.

Hence this Bill.

NEW DELHI;
June 17, 2009

J. P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Freedom Fighters Welfare Authority by the Central Government in every district of the country. Clause 4 provides that the Freedom Fighters Welfare Authority shall formulate plans and prepare schemes for the welfare of the freedom fighters and their families and that they will also register the names of all freedom fighters and their families in their respective jurisdiction. Clause 5 provides that the Central Government shall provide to all freedom fighters and their families financial assistance of rupees fifteen thousand every month, free medical care and such other facilities as are necessary for their appropriate development and welfare.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that it will incur a recurring expenditure of rupees three hundred crore per annum.,

It is also likely to involve a non-recurring expenditure of about rupees sixty crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 31 OF 2009

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith:

BE it enacted by Parliament in the Sixtieth year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Voting Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compulsory
voting.

2. It shall be compulsory for every voter who is eligible to vote at an election to exercise his right to vote when called for by the Election Commission:

Provided that a voter may be exempted from exercising his right to vote—

(a) if he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if the Election Commission or such other authority as may be empowered by the Election Commission, on receipt of a request either before or after the poll, from the voter, is satisfied that there are genuine and *bona fide* grounds for such exemption.

3. The Election Commission shall ensure protection and safety of all citizens who come to polling booths to cast their votes.

Protection and safety for voters at polling booths.

4. The Election Commission shall send a list of names of all eligible voters, who have not cast their votes, to Central Government or the State Government, as the case may be.

Sending of list of names of voters not casting their votes to the Government.

5. (1) There shall be set up adequate number of polling booths at convenient locations, in every constituency of the House of the People or Legislative Assembly, as the case may be.

Adequate number and spacing of polling booths.

(2) The polling booths shall be set up in such a way—

- (i) that number of voters in each booth shall be equal to the extent possible;
- (ii) that the distance between one polling booth and another shall not exceed five hundred meters:

Provided that in hilly regions and desert areas polling booths may be set up according to geographical convenience and density of population.

6. There shall be made suitable arrangements enabling the persons deployed in connection with the polling duty to cast their votes.

Special arrangements for poll staff.

7. There shall be made separate arrangement in every polling booth for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes.

Special arrangements for senior citizens, etc.

8. Any person, who fails to cast his vote shall be liable to—

Punishment.

- (i) A fine of rupees five hundred, or
- (ii) two day's imprisonment, or
- (iii) forfeiture of his ration card;
- (iv) be rendered ineligible for contesting any election for a period of ten years from the date of his conviction;
- (v) be ineligible for allotment of a plot or a house in a Government owned organisation;
- (vi) be ineligible to get loan of any kind from any financial institution owned by the Government;
- (vii) be ineligible for entitlement to any welfare scheme announced by the Government from time to time:

Provided that if such person is an employee of the Union Government or the State Government or the Union territory administration or any public sector undertaking owned or controlled by Union Government or the State Government or the Union territory administration, such person shall also be punished with—

- (a) forfeiture of ten days' salary; and
- (b) delay in promotion for a period of two years.

Incentive for voting.

9. Any person who, despite his illness or physical incapacity has exercised his right to vote at an election or any person who has exercised his right to vote at all elections held during a period of fifteen years preceding the commencement of this Act without any break shall be—

- (i) given preference in jobs in the services under the Central Government; and
- (ii) given preference in admission to the institutions of higher education.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is the largest democracy in the world having population of more than a billion. But it has been seen that only about thirty five to forty per cent of the eligible voters exercise their right to vote. During almost all the elections in the country, it has been observed that the number of actual voters is far below the number of eligible voters. Therefore, the average voting is very low. This type of electoral trend makes it clear to us that suitable steps are necessary to encourage the citizens to exercise their right to vote in order to elect their representative so that the results of the election show the will of all the electors and not just a segment of them.

In the last few elections, the problem of low voting percentage has become worse and the voting percentage has gone down even below thirty five per cent. In many cases, citizens either deliberately avoided casting their votes or even boycotted elections. Therefore, the Bill seeks to make voting compulsory for all the electors subject to certain restrictions so that the voting percentage in the country is increased. However, the citizens who are either physically incapacitated or have *bona fide* reasons have been given exemption under the Act.

Since voting is being made compulsory, punishment is also sought to be given to those who do not cast their votes. At the same time, incentives are also proposed for those who do exercise their right to vote without break or in spite of illness.

Hence this Bill.

NEW DELHI;
June 17, 2009.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 5 provides for setting up of adequate polling booths in every constituency. Clauses 6 and 7 provide for special arrangements for persons deployed for poll duty and for special arrangements for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees eight crore is likely to be involved.

A non-recurring expenditure of about rupees fourteen crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 29 OF 2009

A Bill to provide for free and compulsory education to all children upto intermediate level.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Free and Compulsory Education Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette appoint.

Definitions.

2. In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.

3. **The appropriate Government, under the provisions of this Act, shall provide free and compulsory education to every student upto the intermediate level.**

Explanation:—For the purpose of this section, "free education" includes:—

- (a) all fees including admission and tuition fee;
- (b) books, note books and stationery materials;
- (c) free hostel facility, wherever necessary; and
- (d) scholarships in such cases, as may be prescribed.

Free and
compulsory
education.

4. The appropriate Government shall establish at least one school in every area having a population of one thousand people.

Establishment of one school for a population of one thousand.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the subject matters dealt with in this Act.

Provisions of the Act not to be in derogation of any other law for the time being in force.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 45 of the Constitution provides that it is the responsibility of the State to provide free and compulsory education to all children until they complete the age of fourteen years. Although, Government has taken many steps in this regard but they are inadequate. We have not been able to provide education to all children even after sixty-two years of independence. Our education system is very expensive and all citizens cannot afford it. Poor parents with meagre incomes are unable to send their children to school.

Therefore, it is necessary to provide textbooks, scholarships, hostel facilities, etc. to the poor students so that their parents are encouraged to send them to school. Therefore, it is necessary to provide for free and compulsory education upto higher secondary level and for scholarships to meritorious students.

Hence this Bill.

NEW DELHI;
June 17, 2009.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education to all children upto higher secondary level. Clause 5 provides that the appropriate Government shall establish one school each for a population of one thousand. The exact number of schools required for this purpose is not known. The expenditure in respect of the schools being set up in the States will involve expenditure from the Consolidated Funds of respective States. However, some aid may have to be provided by the Central Government in this regard. The expenditure to be incurred in respect of the schools in Union territories will be incurred from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifteen crore is likely to be involved.

A non-recurring expenditure of about rupees twenty five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. Since, the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 32 OF 2009

A Bill to provide for the welfare of the destitute women and widows and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Destitute Women and Widows Welfare Act, 2009.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “authority” means the Destitute Women and Widows Welfare Authority established under section 3;

(b) “destitute woman and widow” means any female citizen of India who is a widow or divorcee and has no independent source of income or livelihood to support herself, or is not being looked after by any family member; and

(c) “prescribed” means prescribed by rules made under this Act.

Establishment
of the Destitute
Women and
Widows
Welfare
Authority.

Functions of
the Authority.

Facilities to be
provided to
destitute
women and
widows.

Power to
make rules.

3. (1) The Central Government shall establish an authority, to be known as the Destitute Women and Widows Welfare Authority in every district of the country.

(2) The composition of the authority and conditions of service of the members of the Authority shall be such as may be prescribed.

4. The Authority shall perform the following functions:—

(i) maintaining a register of destitute women and widows residing in that district; and

(ii) formulating plans and schemes for the welfare of the destitute women and widows.

5. The Central Government shall provide to the destitute women or widows registered under section 4, the following facilities, namely:—

(a) subsistence allowance of rupees two thousand per month and such other financial assistance as may be prescribed;

(b) free health care facilities;

(c) free housing facility, wherever necessary;

(d) free education including technical education to the dependent children of the destitute women and widows;

(e) gainful employment;

(f) vocational training;

(g) free travelling facilities by public transport and also concessions in private owned transport;

(h) interest-free loans for the purpose of housing and self-employment; and

(i) such other facilities as may be necessary for the all-round development and welfare of destitute women and widows.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of destitute women and widows in our country are leading a very miserable life. They do not have any means for their own subsistence and for their dependent children. They work as maids and perform various domestic chores such as cleaning utensils, washing clothes, dusting, etc. for very small wages. They can do such works only when they are physically fit. But most widows are not so fortunate. Being old, physically weak or suffering from serious and chronic diseases, they are incapable of doing physical labour. In many cases, they are also mentally challenged. Such helpless widows have no other option but to resort to begging in streets for their livelihood. And many young widows are even forced into prostitution and they are compelled to choose it as a profession to avoid starvation. A large number of widows are forced to leave their families after the death of their husbands and generally they move to other places leaving their family, in search of mental peace. In many cases, such widows become victims of sexual exploitation at the hands of unscrupulous persons. They are deprived of their rights by their in-laws and parents, and they have to manage their affairs themselves. Their condition gets worse when they are driven out of their home alongwith their children. They have to take care of their children alongwith themselves. The condition of the widows in rural areas is far worse. They are not only ill-treated but are also considered ill-omenous. They are forbidden from taking part in family functions. Being illiterate they are the worst victims of physical, mental and social exploitation.

Our country is a welfare state and, therefore, it becomes the duty of the State to rehabilitate such hapless widows and to implement welfare schemes for this purpose. But even after more than sixty years of our independence, a large number of destitute women and widows still remain deprived of Government assistance. Most of them are without employment; suffer from malnutrition and various other ailments. It should be the primary responsibility of the Government to ensure that these widows live and grow in a healthy environment and are protected from all kinds of exploitation. It is, therefore, necessary to enact a legislation for the welfare and protection of the destitute women and widows.

Hence this Bill.

NEW DELHI;

J. P. AGARWAL

June 17, 2009.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Destitute Women and Widows Welfare Authority by the Central Government in every district of the country. Clause 4 provides that the Destitute Women and Widows Welfare Authority shall formulate plans and prepare schemes for the welfare of the Destitute Women and Widows and that they will also register the names of all Destitute Women and Widows in their respective jurisdiction. Clause 5 provides that the Central Government shall provide to all the Destitute Women and the Widows financial assistance of rupees two thousand every month, free medical care and such other facilities as are necessary for their proper development and welfare. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that it will incur a recurring expenditure of rupees fifty crore per annum.

A non-recurring expenditure to the tune of rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 30 OF 2009

A Bill to protect the interests of agricultural workers and to provide for their welfare.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Agricultural Workers (Employment, Conditions of Service and Welfare) Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Establishment
of Agricultural
Workers
Welfare Board.

2. **The Central Government shall establish an Agricultural Workers Welfare Board (hereinafter referred to as 'Board') to protect the interests of agricultural workers in the country.**

Chairman and
other members
of Board.

3. (1) The Board shall consist of a Chairman and twenty other members.

(2) The Chairman of the Board shall be elected by the members of the Board.

(3) The members of the Board shall be elected by agricultural workers in such manner as may be prescribed by rules made under this Act.

(4) The Chairman and other members of the Board shall hold office for a period of five years.

(5) The headquarters of the Board shall be at New Delhi.

4. The Board shall perform the following functions:—

(i) to provide employment to agricultural workers during off season period or natural calamities with such wages as may be prescribed;

(ii) to provide financial assistance to agricultural workers if employment is not provided to them.

(iii) to establish a Board at State level to monitor the implementation of rules and regulations made by the Board for welfare of agricultural workers.

5. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Functions of Board.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

There are about 320 million workers in the country, out of whom 20 million are agricultural workers. Floods and droughts play havoc in the lives of agricultural workers. The use of pesticides and chemical fertilizers also cause serious health hazards to the agricultural workers. Their jobs are at the mercy of the land owners and there is no security of employment. It is, therefore, necessary that the agricultural workers are fully protected and the benefits available to industrial workers in the country are also provided to agricultural labourers.

NEW DELHI;
June 17, 2009.

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of Agricultural Workers Welfare Board to protect the interests of agricultural workers in the country. Clause 4 of the Bill provides for employment and assistance to agricultural workers during off season period. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees three hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 28 OF 2009*A Bill to prevent female infanticide.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Female Infanticide Act, 2009.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,

Definitions.

(i) "girl child" means a girl upto the age of ten years; and

(ii) "prescribed" means prescribed by rules made under this Act.

3. Whoever causes, or does any act with the intention of causing death of a girl child or allows a sick girl child to die by deliberately not giving timely and proper medical assistance or does any act or neglects the care of the girl child which may result in her death, commits the offence of female infanticide.

Female
infanticide

Information about birth or death of a girl child to be given to authorities.

4. (1) Whenever a girl child is born or a girl child below ten years of age dies, it shall be the duty of the parents or the guardian of the child to inform the nearest health centre, run by the Government or such authority as may be prescribed for this purpose, about the birth or death of the girl child.

(2) In case of death of a girl child, the child shall not be cremated or buried unless the health centre or such other authority, as may be prescribed for this purpose, has caused an investigation into the cause of the death of the child.

(3) The investigation under sub-section (2) shall be completed within twenty-four hours from the time information about death is received.

Arrest of person committing female infanticide.

5. If after a preliminary investigation into the cause of the death of a girl child any person is found to have committed the offence of infanticide he shall be taken into custody at once.

Punishment.

6. Any person who commits or abets the commission of the offence of female infanticide or withholds information about the death of the girl child, shall be punished with imprisonment for a period of ten years and also with fine of rupees one lakh:

Provided that any person who withholds information about the birth of a girl child shall be punished with imprisonment for a period of six months.

Investigation and filing of report.

7. Any inquiry or investigation into female infanticide and filing of reports or a suit in a court of law shall be completed within a period of three months from the date of the death of the girl child.

Offence to be non-bailable.

8. An offence under this Act shall be non-bailable.

Act to have over-riding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Indian Penal Code, 1860 or any other law for the time being in force.

45 of 1860.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With the menace of dowry system continuing in the country, birth of a girl child in an ordinary family is considered to be very inauspicious and a curse. Birth of a girl child is considered as a burden by poor families. As a result, female infanticide is widely prevalent in the country. Thousands of innocent girls are dying prematurely as a result of inadequate care and indifference on the part of their families. It is high time that this dastardly act is brought to an end. However, in the absence of a stringent legislation it is quite difficult to put an end to this evil practice.

It is, therefore, proposed to bring forward a legislation providing for severe punishment to those who commit female infanticide in order to eradicate this malady from the country.

Hence this Bill.

NEW DELHI;

ADHIR RANJAN CHOWDHURY

June 17, 2009.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

P. D. T. ACHARY,
Secretary-General.